IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.496 OF 2006

IN

SUMMARY SUIT NO.978 OF 2006

Phooternmal Santokchandji. ...Plaintiff.

vs.

Chimanlal Choudhary. ...Defendant.

Mr.C.N.Chavan, for Plaintiff.

Mr.D.K.Ghaisas, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 9th January, 2007.

P.C.:-

1. The plaintiff's claim in this suit is not disputed by the defendant. The only defence raised by the defendant is that his sister-in-law and his wife had handed over certain ornaments to the plaintiff and the plaintiff has not delivered back those ornaments to them, and therefore, they have a claim of set off against the plaintiff. That some relatives of the defendant have a claim of set off against the plaintiff

can be no defence. When the defendant is not in a position to put up a defence the defendant is not entitled to any leave to defend the suit. Summons for judgment is granted. Suit of the plaintiff is decreed in terms of prayer clause of the suit. Refund of court fees as per rules.